

MONTANA LEGISLATIVE HISTORY

Chapter 554 19 91

Bill H 272 S _____ Original bill & history ____C

H. Committee on Judiciary

Hearing Date(s) Jan 29 ✓ C

Jan 30 ✓ C

_____ C

_____ C

Date Out _____ C

S. Committee on Judiciary

Hearing Date(s) Mar 18 ✓ C

Mar 19 ✓ C

_____ C

_____ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

3/21 SIGNED BY SPEAKER
 3/21 SIGNED BY PRESIDENT
 3/22 TRANSMITTED TO GOVERNOR
 3/26 SIGNED BY GOVERNOR
 CHAPTER NUMBER 177

EFFECTIVE DATE: 10/01/91

HB 271 INTRODUCED BY DRISCOLL, ET AL.

ALLOW PUBLIC SERVICE COMMISSION TO REQUIRE REAR-END
 TELEMETRY SYSTEM ON CERTAIN RAILROAD TRAINS

1/19	INTRODUCED		
1/19	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
1/19	FIRST READING		
2/14	HEARING		
2/15	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/23	2ND READING PASSED	75	22
2/26	3RD READING PASSED	76	22
	TRANSMITTED TO SENATE		
2/27	FIRST READING		
2/27	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
4/02	HEARING		
4/03	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/05	2ND READING CONCURRED	48	2
4/06	3RD READING CONCURRED	46	3
	RETURNED TO HOUSE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS CONCURRED	93	6
4/10	3RD READING AMENDMENTS CONCURRED	88	11
4/16	SIGNED BY SPEAKER		
4/16	SIGNED BY PRESIDENT		
4/16	TRANSMITTED TO GOVERNOR		
4/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 487		

EFFECTIVE DATE: 10/01/91

HB 272 INTRODUCED BY BRADLEY, ET AL.

CREATE THE MONTANA COMMUNITY CORRECTIONS ACT

1/19	INTRODUCED		
1/19	REFERRED TO JUDICIARY		
1/19	FIRST READING		
1/19	FISCAL NOTE REQUESTED		
1/25	FISCAL NOTE RECEIVED		
1/28	FISCAL NOTE PRINTED		
1/29	HEARING		
1/30	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/01	2ND READING PASSED	98	0
2/04	3RD READING PASSED	100	0
	TRANSMITTED TO SENATE		
2/05	FIRST READING		
2/05	REFERRED TO JUDICIARY		
3/18	HEARING		
3/19	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/23	2ND READING CONCURRED AS AMENDED	45	3
3/23	TAKEN FROM 3RD READING AND REREFERRED TO FINANCE & CLAIMS		
3/26	HEARING		
3/27	COMMITTEE REPORT—BILL CONCURRED		
4/03	2ND READING CONCURRED	50	0
4/04	3RD READING CONCURRED	47	3
	RETURNED TO HOUSE WITH AMENDMENTS		
4/08	2ND READING AMENDMENTS CONCURRED	93	0
4/09	3RD READING AMENDMENTS CONCURRED	98	0
4/18	SIGNED BY SPEAKER		
4/19	SIGNED BY PRESIDENT		

HOUSE FINAL STATUS

HB 275

4/19 TRANSMITTED TO GOVERNOR
 4/23 SIGNED BY GOVERNOR
 CHAPTER NUMBER 554

EFFECTIVE DATE: 7/01/91

HB 273 INTRODUCED BY O'KEEFE, ET AL

APPROPRIATE MONEY TO OFFICE OF PUBLIC INSTRUCTION
 FOR CANYON FERRY SCIENCE CAMP

1/19	INTRODUCED		
1/19	REFERRED TO APPROPRIATIONS		
1/21	FIRST READING		
1/24	REREFERRED TO EDUCATION & CULTURAL RESOURCES		
2/06	HEARING		
2/09	COMMITTEE REPORT—BILL PASSED		
2/12	2ND READING PASSED	59	37
2/12	TAKEN FROM ENGROSSING AND REREFERRED TO APPROPRIATIONS		
3/06	HEARING		
3/22	TABLED IN COMMITTEE		

HB 274 INTRODUCED BY STRIZICH, ET AL

ALLOWING MEMBERS OF MUNICIPAL POLICE RETIREMENT
 SYSTEM TO CREDIT ALL SERVICE

1/19	INTRODUCED		
1/19	REFERRED TO STATE ADMINISTRATION		
1/21	FIRST READING		
1/21	FISCAL NOTE REQUESTED		
1/24	FISCAL NOTE RECEIVED		
1/26	FISCAL NOTE PRINTED		
2/19	HEARING		
2/20	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/21	PLACED ON CONSENT CALENDAR		
2/23	3RD READING PASSED	97	0
	TRANSMITTED TO SENATE		
2/25	FIRST READING		
2/25	REFERRED TO STATE ADMINISTRATION		
3/08	HEARING		
3/08	COMMITTEE REPORT—BILL CONCURRED		
3/12	2ND READING CONCURRED	49	0
3/13	3RD READING CONCURRED	49	0

3/22 TRANSMITTED TO HOUSE
 3/22 SIGNED BY SPEAKER
 3/22 SIGNED BY PRESIDENT
 3/23 TRANSMITTED TO GOVERNOR
 3/26 SIGNED BY GOVERNOR
 CHAPTER NUMBER 178

EFFECTIVE DATE: 3/26/91

HB 275 INTRODUCED BY STRIZICH

PROVIDE A FINE FOR FRAUDULENTLY OBTAINING DANGEROUS DRUGS

1/19	INTRODUCED		
1/19	REFERRED TO JUDICIARY		
1/21	FIRST READING		
1/25	FISCAL NOTE REQUESTED		
1/30	FISCAL NOTE RECEIVED		
2/04	FISCAL NOTE PRINTED		
2/18	HEARING		
2/19	COMMITTEE REPORT—BILL PASSED		
2/21	PLACED ON CONSENT CALENDAR		
2/23	3RD READING PASSED	94	3
	TRANSMITTED TO SENATE		
2/25	FIRST READING		
2/25	REFERRED TO JUDICIARY		

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0272, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

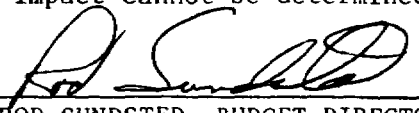
A bill for an act entitled: "An act creating the Montana Community Corrections Act; authorizing local governments and private agencies to establish and operate community corrections facilities and programs; providing for creation of community corrections boards; allowing sentencing courts to sentence nonviolent felony offenders to a community corrections facility or program; granting the Department of Institutions authority to adopt rules governing operation of community corrections facilities and programs; establishing penalties for offenders who escape from community corrections facilities; authorizing placement of offenders in a community corrections facility or program as a condition of the deferred imposition or suspended execution of sentences; amending sections 45-7-306 and 46-18-201, MCA; and providing an effective date."

ASSUMPTIONS:

1. There would be enough first-time low-risk, nonviolent felony offenders to support organization of a few community corrections programs (there were 42 such admissions in FY90 and 9 in FY89).
2. Modifications submitted in the Executive Budget for community corrections increases include: (1) create 25 slots in Great Falls at a general fund cost of \$128,978 in FY92 and \$71,836 in FY93; (2) continue the community service program in Missoula at a cost of \$35,048 in FY92 and \$35,037 in FY93; (3) add a new 25 bed pre-release center and increase 25 beds in existing centers at a general fund cost of \$486,395 in FY92 and \$508,145 in FY93; (4) develop a new contract with non-profit organizations to supervise inmates in house arrest at a general fund cost of \$45,000 each year; (5) expand probation and parole services at a general fund cost of \$132,749 in FY92 and \$136,586 in FY93; (6) increase variable costs at the Billings Life Skills Pre-Release Center at a general fund cost of \$3,110 each year to provide for three additional residents per year; and (7) create a 16-bed women's pre-release center at a general fund cost of \$278,119 in FY92 and \$237,043 in FY93.
3. Current level community services in the Executive Budget are: Intensive Supervision Programs with a capacity of 50 slots at a general fund cost of \$709,992 FY92 and \$506,420 FY93; Swan River Forest Camp at a general fund cost of \$969,941 FY92 and \$961,379 in FY93; five pre-release centers across Montana with a capacity for 120 beds at a general fund cost of \$1,943,543 in FY92 and \$1,945,282 in FY93; and four regional probation and parole offices and 14 district offices with personnel of 43 officers and four supervisors at a general fund cost of \$1,935,000 each year of the biennium.
4. If the modified requests in the Executive Budget are not approved, there may be a need for approximately 119 community corrections slots at a cost of about \$8,033 per offender per year.
5. If the modified recommendations in the Executive Budget are approved, there does not appear to be a need for additional programs in the community because about 10% of the corrections population will be placed in the community. This is 3% over the national average.

FISCAL IMPACT:

Fiscal impact cannot be determined at this time.


ROD SUNDSTED, BUDGET DIRECTOR
Office of Budget and Program Planning

1-25-91
DATE


DOROTHY BRADLEY, PRIMARY SPONSOR

1-28-91
DATE

Fiscal Note for HB0272, as introduced

HB 272

1 HOUSE BILL NO. 272
2 INTRODUCED BY Bradley Lee Menahaw ~~of~~
3 Miss Jaz
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MONTANA
5 COMMUNITY CORRECTIONS ACT; AUTHORIZING LOCAL GOVERNMENTS AND
6 PRIVATE AGENCIES TO ESTABLISH AND OPERATE COMMUNITY
7 CORRECTIONS FACILITIES AND PROGRAMS; PROVIDING FOR CREATION
8 OF COMMUNITY CORRECTIONS BOARDS; ALLOWING SENTENCING COURTS
9 TO SENTENCE NONVIOLENT FELONY OFFENDERS TO A COMMUNITY
10 CORRECTIONS FACILITY OR PROGRAM; GRANTING THE DEPARTMENT OF
11 INSTITUTIONS AUTHORITY TO ADOPT RULES GOVERNING OPERATION OF
12 COMMUNITY CORRECTIONS FACILITIES AND PROGRAMS; ESTABLISHING
13 PENALTIES FOR OFFENDERS WHO ESCAPE FROM COMMUNITY
14 CORRECTIONS FACILITIES; AUTHORIZING PLACEMENT OF OFFENDERS
15 IN A COMMUNITY CORRECTIONS FACILITY OR PROGRAM AS A
16 CONDITION OF THE DEFERRED IMPOSITION OR SUSPENDED EXECUTION
17 OF SENTENCES; AMENDING SECTIONS 45-7-306 AND 46-18-201, MCA;
18 AND PROVIDING AN EFFECTIVE DATE."
19

20 WHEREAS, Article II, section 28, of the Montana
21 Constitution requires that laws for the punishment of crime
22 must be founded on the principles of prevention and
23 reformation; and

24 WHEREAS, it is the state's policy that persons convicted
25 of crime should be treated in accordance with their

1 individual characteristics, circumstances, needs, and
2 potentialities; and

3 WHEREAS, the existing state corrections system offers
4 few alternatives to imprisonment for offenders who have been
5 convicted of a nonviolent felony offense; and

6 WHEREAS, community corrections programs provide an
7 alternative to imprisonment that is of value both to society
8 and to the individual because such programs provide
9 offenders opportunities to overcome alcohol and drug
10 problems, to obtain employment or become involved in an
11 educational or vocational program, to learn life skills, or
12 to be engaged in other activities that will reduce the
13 recidivism of offenders and enable them to be productive
14 members of society; and

15 WHEREAS, community corrections programs are desirable
16 because such programs cost substantially less compared to
17 the costs of imprisonment in the Montana State Prison.

18 THEREFORE, the Legislature of the State of Montana finds
19 it appropriate to enact legislation to establish community
20 corrections facilities and programs for the placement and
21 treatment of nonviolent felony offenders.
22

23 STATEMENT OF INTENT

24 A statement of intent is required for this bill because
25 [section 9] grants the department of institutions authority

1 to adopt rules necessary to carry out the provisions of
2 [sections 1 through 14].

3 It is the intent of the legislature that the department
4 adopt regulations and standards for the operation of
5 community corrections facilities and programs. In adopting
6 rules, the department shall comply with the requirements
7 established under [section 9]. In addition, the department
8 should consider the goals of [sections 1 through 14], which
9 are:

10 (1) to reduce reliance upon the Montana state prison
11 for detention of low-risk, nonviolent felony offenders;

12 (2) to increase services to offenders to help them
13 become productive members of society;

14 (3) to require offenders to pay restitution to crime
15 victims;

16 (4) to impose upon offenders responsibility for payment
17 of a portion of the costs of their room and board at
18 community corrections facilities or programs;

19 (5) to decentralize authority for corrections programs
20 from state government to local governments;

21 (6) to stimulate local participation in the
22 establishment of community corrections facilities and
23 programs;

24 (7) to reduce the long-term costs of state corrections;
25 and

1 (8) to reduce court commitments to the state prison,
2 thereby reducing the long-term capital construction costs
3 for the Montana state prison and other corrections
4 facilities.

5 To ensure the success of the community corrections
6 program, the department, when contracting for services,
7 should consider a potential service provider's knowledge,
8 background, and special expertise in the area of
9 postconviction diversion community corrections programs.

10 Prior to adopting rules, the department should examine
11 community corrections programs established in other states,
12 especially in the states of Colorado, Iowa, Minnesota,
13 Oregon, and Wyoming. In addition, the comments of potential
14 service providers should be encouraged during the rulemaking
15 process.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 NEW SECTION. **Section 1.** Short title. [Sections 1
19 through 14] may be cited as the "Montana Community
20 Corrections Act".

21 NEW SECTION. **Section 2.** Purpose. It is the purpose of
22 [sections 1 through 14] to:

23 (1) encourage the development of community corrections
24 facilities and programs by units of local government and
25 nongovernmental agencies;

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bill Strizich, on January 29, 1991,
at 8:06 a.m.

ROLL CALL

Members Present:

Bill Strizich, Chairman (D)
Vivian Brooke, Vice-Chair (D)
Arlene Becker (D)
William Boharski (R)
Dave Brown (D)
Robert Clark (R)
Paula Darko (D)
Budd Gould (R)
Royal Johnson (R)
Vernon Keller (R)
Thomas Lee (R)
Bruce Measure (D)
Charlotte Messmore (R)
Linda Nelson (D)
Jim Rice (R)
Angela Russell (D)
Jessica Stickney (D)
Howard Toole (D)
Tim Whalen (D)
Diana Wyatt (D)

Staff Present: John MacMaster, Leg. Council Staff Attorney
Jeanne Domme, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

HEARING ON HB #272 MONTANA COMMUNITY CORRECTIONS ACT

Presentation and Opening Statement by Sponsor:

REP. BRADLEY, HOUSE DISTRICT 79, this is a Montana Community Corrections Act. The advisory council has a whole variety of alternatives that are mid-level alternatives. Alternatives that communities and judges can work with that we have not had up until this time. We have put judges in the position of dealing with the two alternatives on both sides of the spectrum and that is either probation or prison. We are talking about something in the middle here that deals with communities, less cost and more responsibility to the offenders. I think it is important to

note, a judge cannot sentence a person to a community facility for more than 1 year. This is not a long term obligation. In drafting the bill we felt you had to give the local board of the community the authority to accept, reject, or reject after acceptance, the placement of an offender. This is the kind of option that many states have already implemented and seems to be working well for them. This would be very good for non-violent offenders. It would offer them a last chance to get out of the prison spiral. It would cost the state less money. Many of our prisons are made up of non-violent offenders.

Proponents' Testimony:

REP. LEE stated he would like to call the attention of the committee to the package of letters he has handed out. EXHIBIT 1. There is a national organization called Justice Fellowship, which is an option of prison work. What Justice Fellowship is concerned with is a correctional reform. It is there desire to promote community corrections and we ask that you do pass this bill.

John Conner, Department of Justice - Montana County Attorney's Association, stated this bill is an appropriate step in the right direction. I have some amendment that do not deal with the substantive aspects of the bill, but may make the other aspects more in line with the criminal procedure. I would ask the committee to look over these amendments and give them consideration to the bill. EXHIBIT 2

Earl Peace, Gallatin County, gave written testimony in favor of HB #272. EXHIBIT 3

Melinda Erickson, self, stated this bill provides a solution that has worked in other areas and support HB #272.

Diane Sands, Montana Women Lobbyists, stated this bill gives an exciting possibility for some community programs as alternatives to a women's correction facility and a chance to be able to keep families together. This will provide a positive experience that will benefit women in the system but will also be cost effective for the state.

John Shontz, Mental Health Association, gave written testimony in favor of HB #272. EXHIBIT 4

Harley Warner, Montana Association of Churches, gave written testimony in favor of HB #272. EXHIBIT 5

The Bozeman Clinic - Bozeman, submitted six letters in support of HB 272. EXHIBIT 6

Opponents' Testimony: none

Questions From Committee Members:

REP. MEASURE asked REP. BRADLEY that page 13 and 14 of the bill in section 10, I am concerned about the schedule for taking care of financial obligations for the offender. It has always been my thought that one of the big problems with incarcerating people are the problems imposed on the family. I feel the family support should be paid first, do you have any problems with an amendment of that nature? REP. BRADLEY said no she does not and the committee should feel free to organize the priorities as you see fit. He then asked her if she envisions these people as being placed for work obligations in any other place than MacDonalds? REP. BRADLEY said the individuals who are running the community correction facilities had a variety of places these people could work. The community was behind this arrangement.

REP. MEASURE asked REP. BRADLEY how, with the cost of mental health, do you feel you can take care of the needs of these people for just \$1500 a month? REP. BRADLEY said some of the buildings for this purpose do not have to be built they are already standing so this will not cost the state anything. If we left some of this innovation at community level we could see it happen. Of course, some facilities will cost more than others.

REP. RUSSELL asked REP. BRADLEY if there is legislation in the bill that would make it possible for Indian Tribes to be a private contract to have one of these facilities and the tribe would recognize these jurisdictions? REP. BRADLEY said if you would like to add some language to make it clear I would support that. The language in section 5 and section 7 has non-governmental agencies in it and this would cover your concern but you are welcome to make it clearer in the bill.

Closing by Sponsor:

REP. BRADLEY stated she would like to thank all the people who came to support this bill and would hope the committee would give it a do pass.

HEARING ON HB #269 & 270INCREASE PENALTY FOR REPEAT INDECENT EXPOSUREINCREASE PENALTY FOR REPEAT VIOLATIONS OF PRIVACY COMMUNICATIONSPresentation and Opening Statement by Sponsor:

REP. COCCHIARELLA, HOUSE DISTRICT 59, stated that people take these kinds of crime and make fun of them when actually the things that go on in relation to obscene phone calls and indecent exposure are acts of terrorism. They strike terror in hearts and souls and have lasting impact on people that are victims of those kinds of crimes. We are asking you to increase the penalties of these crimes in order to try and keep the offender longer in custody to get treatment for them.

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL

DATE

Jan. 29, 1991

NAME	PRESENT	ABSENT	EXCUSED
REP. VIVIAN BROOKE, VICE-CHAIR	/		
REP. ARLENE BECKER	/	<i>abs</i>	
REP. WILLIAM BOHARSKI	/		
REP. DAVE BROWN	/		
REP. ROBERT CLARK	/		
REP. PAULA DARKO	/		
REP. BUDD GOULD	/		
REP. ROYAL JOHNSON	/		
REP. VERNON KELLER	/		
REP. THOMAS LEE	/		
REP. BRUCE MEASURE	/	<i>abs</i>	
REP. CHARLOTTE MESSMORE	/		
REP. LINDA NELSON	/		
REP. JIM RICE	/		
REP. ANGELA RUSSELL	/	<i>abs</i>	
REP. JESSICA STICKNEY	/		
REP. HOWARD TOOLE	/	<i>abs</i>	
REP. TIM WHALEN	/	<i>abs</i>	
REP. DIANA WYATT	/		
REP. BILL STRIZICH, CHAIRMAN	/		

HB 272



P.O. Box 17181
Washington, DC 20041-0181
(703) 834-3650

406-444-3036

Mr. Tom Lee
House of Representatives
State of Montana at Helena
Seat 52

EXHIBIT 1
DATE 1-29-91
HB 272

Dear Montana Justice Fellowship task force member:

In regard to House Bill 272, I have reviewed the contents and am pleased to inform you Justice Fellowship is certainly in support of this proposed legislation and will assist you and others in whatever way possible.

It is our desire to promote Community Corrections wherever they would seem to be mandated and this appears to be certain in Montana.

I wish you success in your introduction of this bill and look forward to working with you and other members of the task force.

Very sincerely,
For Justice Fellowship

A handwritten signature in cursive script, appearing to read 'Forrest Hubers'.
Forrest Hubers
Regional Director

FH/cf

NORTHWEST DESIGN ASSOCIATES

40 E. Main #1, Bozeman, Montana 59715 (406) 585-2211

25 January 1991

Representative Tom Lee
Capitol Building
Box 79
Helena, MT 59620

Re: House Bill 272

Dear Representative Lee:

In support of the proposed legislation, House Bill 272, I believe that the community corrections programs that this bill proposes are a tangible beginning of an about-face in criminal justice in Montana. From Judge Dennis A. Challeen's book, Making It Right, I offer an excerpt:

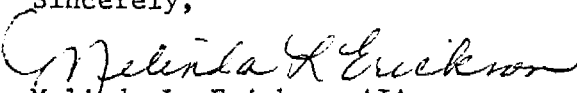
"One of the major factors that contribute to our overcrowded jails and prisons are the extremely long term sentences that are routinely handed out by our tougher than the rest of the world judges. Long-term sentences are necessary for violent offenders. Not because it will rehabilitate them, but to protect society. Murderers, rapists, child molesters and brutal people must be locked up, they have forfeited their right to be free, society must be safe from them, but these types of people make up a small part of the criminal population in America. Less than 5% of the criminal population, and a minor portion of the prison population. The problem is our prisons are filled to the brim with life's losers, the left-behinds - people who cannot survive in the normal game of life. Irresponsible people who won't take charge of their lives, own their problems or direct themselves in a positive, constructive way. The problem is when you lock up a lagging behind irresponsible loser for two years, what comes out is a lagging behind irresponsible loser who is now two more years behind."

I believe that our reaction to crime has been one of fear that doesn't correct, but avenges, producing a system that compels criminals to make restitution to the state alone, if at all, leaving victims frustrated and angry.

"We have a correctional system that does not correct...and a criminal justice system that is not just." (Chief Justice Warren Burger)

House Bill 272 is a start!

Sincerely,


Melinda L. Erickson AIA

mle

Representative Tom Lee
Capital Building
P.O. Box 79
Helena, MT 59644

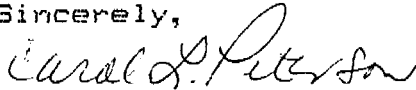
P.O. Box 127
Wilsall, MT 59086
January 25, 1991

Dear Representative Lee:

I am writing in regards to House Bill #272 regarding alternative sentencing for non-violent offenders. I would urge your support as I feel our prison system is in need of reform to effectively combat making hardened criminals out of all who break a law. Also the expense of containing all these people has mushroomed while the percentages of people returning to prison as second offenders has risen. Please vote for a positive alternative and vote for Bill #272.

Thank you.

Sincerely,



Carol L. Peterson

Hon Tom Fae
Montana State Legislature
Helena, Montana

Dear Mr Fae -

Mrs Hagstrom + I are in complete
agreement with your House Bill #474
+ will do what we can to help you +
Dorothy Bradley.

Prostitution was an integral part of the
Mosaic Law + certainly should be re-
inserted into our judicial system.
For some people this is worse than
Jail.

God bless you both
RS Hagstrom

1/29/91 HB 272

#444-4105

To Tom Lee & Dorothy Bradley

We heartily support your House Bill
#477 for Judicial Reform. Please
do your best to see that it leaves the
Committee with a favorable report -
Preferably unanimous.

Evelyn W. Hagstrom
Robert S. Hagstrom

Exhibit # 1
1/29/91 HB 272

January 28, 1991

Mr. Tom Lee
and
Ms. Dorothy Bradley

Re: H.B. 272 Criminal Justice Reform Bill

This is a letter in support of the proposed legislation embodied in House Bill 272. Your sponsorship of the bill and supervision through the legislative process will be greatly appreciated.

Yours truly,



Robert E. and Corinne L. Workman
2211 Boulder Ave.
Billings, MT 59102

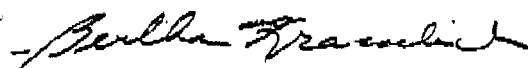
Exhibit # 1
1/29/91 HB 272

Billings, MT
January 28, 1991

Dear Representatives Lee and Bradley,

I believe HB 272 would be beneficial to Montana, save the state thousands of dollars, decrease recidivism and crime. Please support this bill.

Sincerely,



Bertha A. Kramlich
573 Coliseum Drive
Billings, MT 59102

EXHIBIT 2
DATE 1-29-91
HB 272

Proposed Amendments to HB 272

Page 6, line 7.
Following: "(a)"
Strike: "a crime"
Insert: "an offense"

Page 6, line 9.
Following: "a"
Strike: the remainder of line 9 and all of lines
10 and 11.
Insert: "forcible felony as defined in 45-2-101 (22), MCA."

Page 6, line 12.
Following: "(b)"
Strike: "a crime"
Insert: "an offense, other than an offense in which
negligence is an element,"

Page 6, line 15.
Following: "a crime"
Strike: "a crime"
Insert: "an offense"

Page 6, line 24.
Following: "'Offender'"
Insert: "as used in this act"

Page 11, line 1.
Following: "placement"
Strike: "a nonviolent"

Page 11, line 2.
Strike: "felony"
Insert: "an"
Following: "offender"
Insert: "who has not committed a crime of violence"

John Connor
Department of Justice
444-2026

EXHIBIT 3
DATE 1-29-91
HB 272

January 29, 1991

House Judiciary Committee

Re: H B 272 Committee hearing

Gallatin County has many people involved in voluntary assistance to those in prison, jail or those recently released. I met with a group of these people a few days ago and found much support for H B 272.

I personally believe this bill can open the way for innovative methods of sentencing offenders but still retain control by the Board of Institutions and those currently charged with this responsibility. The bill also provides for bringing the community into the process through the community corrections board. I believe these are positive features.

This process opens the door to implementing some methods such as concern for the victims, restitution, allowing the offender to work, rehabilitation, community service, repaying a debt to society and chemical dependency treatment.

Keeping nonviolent offenders out of prison keeps them in touch with the community and prevents them from becoming institutionalized. After a lengthy stay in prison many of them are actually afraid of getting out. They don't know how to handle making so many decisions for themselves after being told what to do for an extended time.

If you think this type of program might be too easy, let me refer to a statement by Allen Jones, a former probation officer from Jefferson County and now working in Washington State. He stated that some prisoners involved in the CCA say that it would be easier to be in prison.

The program described in H B 272 can be provided at much less cost than through the prison system, and statistics also show that the CCA program has a substantially reduced recidivism rate.

For just a fraction of the money, a better job can be done. However, passing this bill is just the beginning, but passing this bill is necessary to make way for some very important changes.

Yours Truly,



Earl Peace
310 So. 14th
Bozeman, Montana 59715

✓
1-29-91
HB 272

CONVICTED

*New Hope for Ending
America's Crime Crisis*

Charles Colson
Daniel Van Ness

CROSSWAY BOOKS • WESTCHESTER, ILLINOIS
A DIVISION OF GOOD NEWS PUBLISHERS

Community Corrections Acts

Thirteen states now have Community Corrections Acts (CCAs). These programs permit local governments to design, develop, and deliver sanctions such as restitution, community service, intensive supervision, and drug or alcohol treatment. Funding for the programs comes from the state, in return for the county's agreement to divert particular nonviolent offenders from prison. It's less expensive—and more beneficial for everyone involved—for states to fund local community corrections than it is for them to warehouse offenders in their prisons.

These acts ensure that offenders are put to work so they can make restitution to their victims. Justice Fellowship Task Forces have helped secure funding for these programs in Indiana and Virginia and have worked for passage of such programs in Arizona, Michigan, and Alabama.

Restitution is usually a key component of the program. In Kansas, for example, CCA offenders paid \$361,302 in restitution in 1987. The programs can also provide for offender drug or alcohol treatment that would not be available in prison. Indiana counties have tailored programs that require completion of high school, job training, and substance abuse treatment. Properly managed, they are very safe for the community. Virginia's program has had a recidivism (repeat offender) rate of only 4 percent.

And CCAs conserve tax dollars. In Kansas the annual cost per offender is only \$1500—compared with that state's nearly \$11,000 per prisoner.



**Working for
Montana's
Mental
Health**

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Counries

Mental Health Association of Montana

A Division of the National Mental Health Association

State Headquarters • 555 Fuller Avenue • Helena, Montana 59601

(406) 442-4276 • Toll-Free 1-800-823-MHAA

TESTIMONY SUPPORTING HB 272

HOUSE JUDICIARY COMMITTEE

JANUARY 29, 1991

EXHIBIT 4

DATE 1-29-91

HB 272

Mr. Chairman and Members of the Committee:

My name is John Shontz. I represent the Mental Health Association of Montana.

The Mental Health Association of Montana supports passage of House Bill 272. We appreciate the inclusion of a mental health professional on the community correction board proposed in Section 5 of this legislation.

We ask that the Members of the Committee carefully consider the language in Section three of the bill to assure yourselves that mental health services must be offered by a community correction program under the bill. If you find that the language fails to assure that offenders in programs established under this bill have adequate mental health services available while they are in the program, we encourage the Committee to amend the bill to require such services.

Thank you

Montana
Association of
Churches

EXHIBIT 2
DATE 1-29-91
HB 272

MONTANA RELIGIOUS LEGISLATIVE COALITION • P.O. Box 745 • Helena, MT 59624

PHONE: (406) 442-5761

WORKING TOGETHER:

Date Submitted: January 29, 1991

Bill Number: HB 272

Submitted by: Harley E. Warner

Mr. Chairman, members of the committee, I am Harley Warner. I am here this morning representing the Montana Association of Churches.

The Montana Association of Churches is made of representatives from 8 different denominations which includes about 600 main-stream churches scattered throughout Montana.

We feel that no offender should be subjected to more custody and security than he or she needs. We agree that the majority of offenders do not pose a substantial threat to society, and can be effectively dealt with in the community.

Community correction facilities or programs provide a better opportunity to focus on the individual's personal and social needs, thus raising the chances of successful rehabilitation.

House Bill 272 addresses some of our corrections concerns, therefore we rise in support of House Bill 272.

American Baptist Churches
of the Northwest

Christian Churches
of Montana
(Disciples of Christ)

Episcopal Church
Diocese of Montana

Evangelical Lutheran
Church in America
Montana Synod

Presbyterian Church (U. S. A.)
Glacier Presbytery

Presbyterian Church (U. S. A.)
Yellowstone Presbytery

Roman Catholic Diocese
of Great Falls - Billings

Roman Catholic Diocese
of Helena

United Church
of Christ
Mt.-N. Wyo. Cont.

United Methodist Church
Yellowstone Conference

The Bozeman Clinic

20 East Olive / Corner Black & Olive
Bozeman, Montana 59715
(406) 587-4242

EXHIBIT 6DATE 1-29-91HB 272

B. John Heetderks, M.D.

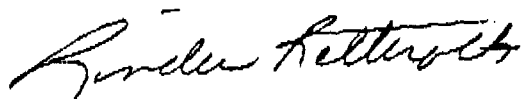
Timothy G. Novick, M.D.

Gabor Benda, M.D.

Jan. 28, 1991

to the House Judiciary Committee:

I urge you to support the passage of HB 272. The potential for good for offenders, victims and tax-payers is outstanding.



The Bozeman Clinic

20 East Olive / Corner Black & Olive
Bozeman, Montana 59715
(406) 587-4242

B. John Heetderks, M.D.
Timothy C. Novick, M.D.
Gabor Benda, M.D.

Jan. 28, 1991

to the House Judiciary Committee:

I urge you to support the passage of HB 272. The potential for good for offenders, victims and tax-payers is outstanding.

Krista Bolin

The Bozeman Clinic

Jan. 28, 1991

to the House Judiciary Committee:

I urge you to support the passage of HB 272. The potential for good for offenders, victims and tax-payers is outstanding.

Kris Braach

The Bozeman Clinic

20 East Olive / Corner Black & Olive
Bozeman, Montana 59715
(406) 587-4242

B. John Heetderks, M.D.
Timothy G. Novick, M.D.
Gabor Benda, M.D.

I urge you to support the passage of HB 272. The potential for good for offenders, victims and tax-payers is outstanding.

Annette Roumier

Exhibit # 6
1/29/91 HB 272

—Exhibit # 6
1/29/91 HB 272

Jan. 28, 1991

to the House Judiciary Committee:

I urge you to support the passage of HB 272. The potential for good for offenders, victims and tax-payers is outstanding.

S. Benda

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

House Judiciary

COMMITTEE

BILL NO.

HB#272

DATE

1-29

SPONSOR(S)

Rep. Bradley

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
EARL PEACE	SELF	✓	
MELINDA ERICKSON	SELF	✓	
Quince Peace	SELF	✓	
John Connor	Dept of Justice Mt County Attys Assn	✓	
Gordon Morris	MA Co		
^{Cal 745, HELPER} HARLEY WARNER	INDIANAN ASSOC. & EXHIBIT	✓	
Thomas Lee	HD 49 Bigfork	✓	
John Shultz	Mental Health Assoc & Mt	✓	
Diane Sands	Mt Women's lobby	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

EXECUTIVE ACTION ON #272

Motion: REP. BOHARSKI MOVED HB 272 DO PASS

Discussion:

REP. MEASURE stated this is a good bill but in section 10 on page 13, we need to change the order of the sections stating who gets paid. I feel the family is the most important factor of these four sections.

Motion: REP. MEASURE moved HB 272 be amended by changing "(d)" up to "(a)" in section 10 and renumbering the subsequent paragraphs from a to d.

Discussion:

REP. RICE stated section d does not have a percentage attached to it and I can foresee that they may take more than necessary and leave nothing for the other claimants. Is it Rep. Measures intention to cap that like the other ones are?

REP. MEASURE stated he is not sure where to cap that because we don't know what these individuals will receive in the way of wages. Maybe we could cap it at 75%.

REP. RICE stated maybe the committee should strike the reference to percentages all together and just list these in priority order.

REP. BOHARSKI stated he felt the 20% cap was placed in the bill for a specific reason and should be left in. Maybe we should strike the last words on line 12 on page 13 and putting a period after the word "expenses" and strike the rest of the line.

REP. LEE stated he felt if we change the purpose now we may interfere with the program as it was intended.

Vote: Motion failed 4 to 16 with Rep's: Measure, Russell, Wyatt and Whalen voting yes.

Motion/Vote: REP. RUSSELL moved HB 272 be amended by including Indian Tribe into the bill. With the committee's approval we will leave the wording up to John MacMaster. Motion carried.

Motion/Vote: REP. BROOKE moved HB 272 be amended on page 7 line 20 after "board" that the amendment would read "that will be gender balanced and allow for racial parity". Motion failed on a tie vote.

Motion/Vote: REP. BROWN moved HB 272 be amended on page 7, line 21 by striking "who" and inserting ", must, when possible, be

gender-balanced and have racial parity, and". Motion carried 16 to 4 with Rep's: Johnson, Clark, Boharski, and Keller voting no.

Motion: REP. DARKO moved HB 272 be amended with amendments by John Connor. EXHIBIT 5

Discussion:

John MacMaster said the only necessary amendments submitted by John Connor were 1, 3, and 4.

REP. DARKO withdrew her motion.

Motion/Vote: REP. DARKO moved HB 272 be amended with amendments 1, 3, and 4 by John Connor. Motion carried.

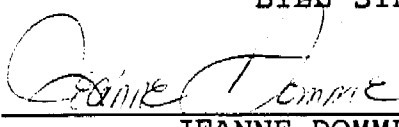
Motion/Vote: REP. BROOKE MOVED HB 272 DO PASS AS AMENDED.
Motion carried.

ADJOURNMENT

Adjournment: 10:55 a.m.



BILL STRIZICH, Chair



JEANNE DOMME, Secretary

BS/jmd

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL

DATE 1-30-91

NAME PRESENT ABSENT EXCUSED

REP. VIVIAN BROOKE, VICE-CHAIR	/		
REP. ARLENE BECKER	/	an	
REP. WILLIAM BOHARSKI	/	an	
REP. DAVE BROWN	/	an	
REP. ROBERT CLARK	/		
REP. PAULA DARKO	/		
REP. BUDD GOULD	/		
REP. ROYAL JOHNSON	/	an	
REP. VERNON KELLER	/		
REP. THOMAS LEE	/	an	
REP. BRUCE MEASURE	/		
REP. CHARLOTTE MESSMORE	/	an	
REP. LINDA NELSON	/		
REP. JIM RICE	/		
REP. ANGELA RUSSELL	/		
REP. JESSICA STICKNEY	/		
REP. HOWARD TOOLE	/		
REP. TIM WHALEN	/		
REP. DIANA WYATT	/		
REP. BILL STRIZICH, CHAIRMAN	/		

HOUSE STANDING COMMITTEE REPORT

January 30, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 272 (first reading copy -- white) do pass as amended.

Signed: _____
Bill Strizich, Chairman

And, that such amendments read:

1. Page 6, lines 7, 9, and 15.

Strike: "a crime"

Insert: "an offense"

2. Page 6, line 12.

Strike: "a crime"

Insert: "an offense, other than an offense in which negligence is
an element of the offense,"

3. Page 7, line 21.

Strike: "who"

Insert: ", must, when possible, be gender-balanced and have
racial parity, and"

Proposed Amendments to HB 272

Page 6, line 7.
Following: "(a)"
Strike: "a crime"
Insert: "an offense"

Page 6, line 9.
Following: "a"
Strike: the remainder of line 9 and all of lines
10 and 11.
Insert: "forcible felony as defined in 45-2-101 (22), MCA."

Page 6, line 12.
Following: "(b)"
Strike: "a crime"
Insert: "an offense, other than an offense in which
negligence is an element,"

Page 6, line 15.
Following: "a crime"
Strike: "a crime"
Insert: "an offense"

Page 6, line 24.
Following: "'Offender'"
Insert: "as used in this act"

Page 11, line 1.
Following: "placement"
Strike: "a nonviolent"

Page 11, line 2.
Strike: "felony"
Insert: "an"
Following: "offender"
Insert: "who has not committed a crime of violence"

John Connor
Department of Justice
444-2026

attorney because of the tax considerations, but, again, it is impossible to incorporate without an attorney.

Closing by Sponsor:

Representative Cromley told the Committee that he felt it was difficult to consider two large bills, and to try to have a full understanding of them. He reminded the Committee of the amount of study that has gone into them, and thanked them for their consideration. He asked that Senator Mazurek carry the bills.

HEARING ON HOUSE BILL 272

Presentation and Opening Statement by Sponsor:

Representative Bradley, District 79, said HB 272 creates the Montana Community Corrections Act, authorizing local governments and private agencies to establish and operate community corrections facilities and programs, and providing for creation of community corrections boards. She stated that the bill allows sentencing courts to sentence non-violent felony offenders to a community corrections facility or program, and grants the Department of Institutions authority to adopt rules governing operation of community corrections facilities and programs. Representative Bradley further stated that the bill establishes penalties for offenders who escape from community corrections facilities, and authorizes placement of offenders in a community corrections facility or program as a condition of the deferred imposition or suspended execution of sentences.

Representative Bradley said the bill was endorsed by the Criminal Justice Corrections Advisory Council, and that she tried to pass a similar bill four years ago. She stated that the Legislature can't build itself out of the prison population crisis, and said the bill provides for correction services at the local level for both governmental or non-governmental agencies. She told the Committee that no violent crimes or sexual offenders could apply, and that local boards must be established to organize and overview the system. She stated the boards would include judges, county attorneys, and mental health, probation and parole professionals, and that the agencies would apply to the boards for approval.

Representative Bradley further advised the Committee that the second concept would allow judges to order placement of non-violent offenders into community corrections, but not for longer than one year. She said the Department of Institutions has rulemaking authority, and will evaluate the different proposals, as well as make reimbursement.

Representative Bradley said the fourth concept deals with defendants who actually contract with the agency, and work off specific obligations during their term, such as paying for part of

their costs, and/or restitution to victims. She stated they can also put some of their earnings toward supporting their families, and that they would be under strict obligation to find employment. Representative Bradley explained that the bill treats escape like any other escape.

Representative Bradley further commented that the House Judiciary Committee hearing went very well. She explained that there are many individuals who are interested in working on this kind of community-based, decentralized option, but were unable to be present because of weather conditions. She also advised the Committee of the Prison Fellowship chapters which are active in the state, and thanked the Committee for the hearing.

Proponents' Testimony:

Representative Thomas Lee, District 49, told the Committee he came across the term "community-based corrections" when he was reading some of Chuck Colson's material. He said Mr. Colson also founded a new organization, Justice Fellowship, to meet the express needs that Representative Bradley outlined to the committee. Representative Lee stated that Justice Fellowship is in full support of the community-based idea, simply because it works.

Representative Lee told the Committee that he has worked in law enforcement work at the federal level. He said people who are sent to the State Prison are given a thorough education in crime, and that the vast majority of them are simply residual, once they go. Representative Lee contended that, "the appropriate non-violent offender who is diverted before he ever has to go to the state house rarely is a repeat offender."

Representative Lee further advised the Committee that Justice Fellowship had targeted Montana for a task force in 1992, and is putting together a meeting at the Governor's office on April 12, 1991 to discuss these matters. He told the Committee this is being done in a number of states, thanked them for the hearing.

Harley Warner, Montana Association of Churches and Montana Religious Legislative Coalition said he felt that no offender should be subjected to more custody and security than he or she needs. He agreed that the majority of offenders do not pose a substantial threat to society, and can be effectively dealt with in the community (Exhibit #7).

Mr. Warner pointed out that community correctional facilities or programs provide a better opportunity to focus on the individual's personal and social needs, thus raising the chances of successful rehabilitation. He said HB 272 addresses some of the concerns of the Montana Association of Churches, and that they support the bill.

Diane Sands, Montana Women's Lobby, said she supports HB 272, because it is a very important part of the overall concept

addressing women inmates in the state. She stated that this proposal allows flexibility by placing women back in communities where their needs are better served, rather than putting many of them in one centralized facility. Ms. Sands advised the Committee that the sentences of women offenders are about one-third the length of those of men (Exhibit #8).

Ms. Sands further stated that the bill would keep many women close to their families, may meet their employment needs more appropriately, and allows for development of specialized correction programs to address the needs of women, such as Native Americans. She commented that the Legislature is taking on gender balance and racial parity, and said those will be incorporated, so the needs and perspectives of the women and minorities could be fully addressed at the local level. Ms. Sands thanked the committee, and urged them to support HB 272.

Melinda Erickson, Prison Fellowship, Bozeman, said she has been a member of the Fellowship, which meets regularly at the Detention Centers in Bozeman and Warm Springs, for about two years. She stated she has become acutely aware of a lack of justice in the system, because of the practice of putting non-violent offenders with violent offenders.

Ms. Erickson told the Committee that she sat across the table from an eighteen year old girl who was serving a six month sentence in Warm Springs for writing bad checks, who was seated next to a woman that had been incarcerated for a one hundred-year term. She asked why the girl had to be incarcerated for that kind of crime, and said it is costing the State of Montana thousands of dollars per year to keep her there. Ms. Erickson further commented that national statistics show the girl has a 47 percent chance of being re-arrested. She said the current system doesn't work, and that it doesn't rehabilitate.

Ms. Erickson advised the Committee that Justice Fellowship is a national organization committed to alternative sentencing of non-violent offenders. She said the Fellowship provides assistance, at no cost, to help state and local jurisdictions set up community service programs. Ms. Erickson thanked the Committee for their time, and asked them to support HB 272.

Scott Crichton, American Civil Liberties Union of Montana (ACLU), said he thought the case had been well made. He thanked the Committee, and asked for their support of the bill.

Opponents' Testimony:

There were no opponents of HB 272.

Questions from Committee Members:

Chairman Pinsoneault advised Representative Bradley that HB 272 may be in conflict with the alternative drug sentencing bill.

Senator Pinsoneault commented that the bill addresses non-violent offenders only for this program, and asked if this was discussed. He stated that in dealing with people who are convicted of crimes, no matter what they crime, there is always the potential for someone to get hurt. Representative Bradley replied that she didn't believe this had been discussed. She said that risk is always run in this system, and that there have been situations where people have violated parole, and lawsuits were filed. Representative Bradley commented that the same kinds of court arguments are heard right now concerning escapees from Swan River or a pre-release center.

Representative Bradley further stated that there are so many safeguards, that there seems to be far more protection than in existing situations. She said this bill is a "best" effort, and that it presents good assurances.

Closing by Sponsor:

Representative Bradley made no closing comments.

Hearing on House Bill 303

Presentation and Opening Statement by Sponsor:

Representative Dorothy Bradley, District 79, said HB 303 provides that it is lawful for a telephone company or telecommunications provider to release, in good faith, to personnel of emergency communications systems, information not in the public record. She stated that this includes, but is not limited to unpublished or unlisted telephone numbers, and that the bill also provides immunity to entities with less than 15,000 subscribers that provide emergency communications systems and related services.

Representative Bradley advised the Committee that the purpose of HB 303 is to encourage the development of emergency telephone systems, and to provide some limited liability for those who may be involved in providing the services, unless there is gross negligence (page 3, line 13). She said this concept is pulled from the Good Samaritan statute, which encourages medical personnel and physicians to go ahead and provide services to someone in need in emergency situations.

Representative Bradley told the Committee that she support HB 303 for philosophical, technical, and legal reasons. She commented that this nation has developed incredible speed in delivery of emergency services, and that telephone and communications systems are the necessary intermediaries. Representative Bradley advised the Committee that this is presently by a 25 cent fee.

Representative Bradley provided an example of a house burning down in Lincoln, but the two 911 lines are busy, and a call can't

ROLL CALL

SENATE JUDICIARY

COMMITTEE

52nd LEGISLATIVE SESSION -- 1999

Date 3-18-91
10:50am

NAME	PRESENT	ABSENT	EXCUSED
Sen. Pinsonneault	/		
Sen. Yellowtail	/		
Sen. Brown	/		
Sen. Crippen	/		
Sen. Doherty	/		
Sen. Grosfield	/		
Sen. Halligan	/		
Sen. Harp			
Sen. Mazurek	/		
Sen. Rye	/		
Sen. Svrcek	/		
Sen. Towe	/		

EXECUTIVE ACTION ON HOUSE BILL 272Motion:Discussion:Amendments, Discussion, and Votes:

Senator Yellowtail offered an amendment, "to add the flexibility that a tribal facility be an option for the tribal agency to utilize under the same terms of agreement and same conditions as the municipal facility."

Chairman Pinsoneault commented that, assuming that retrocession does not take effect for awhile, this would be an excellent alternative for the sentencing judges. He said it would be particularly good for the District Court Judge in Lake County where tribal members appear as defendants, and that there is an excellent drug rehabilitation program at Blue Bay.

Senator Yellowtail thanked Chairman Pinsoneault, and said the amendment adds the element of access to another facility, and contains the projections. He said he believes there has to be a safeguarded cooperative agreement.

Chairman Pinsoneault asked if Representative Bradley is aware of the amendment. Senator Yellowtail replied she is, and that he believes it was her idea.

Senator Yellowtail made a motion to approve his amendments, and the motion carried unanimously.

Recommendation and Vote:

Senator Towe made a motion that HB 272 BE CONCURRED IN AS AMENDED. The motion carried unanimously, and Chairman Pinsoneault said he would carry the bill.

EXECUTIVE ACTION ON HOUSE BILL 303Motion:Discussion:Amendments, Discussion, and Votes:

Senator Towe made a motion to approve amendments #1, #2, #4, and #5. He said the key to the amendments is on page 2, line 14, following the existing language, "provided that private information is released only in response to an emergency call involving an

SENATE STANDING COMMITTEE REPORT

Page 1 of 3
March 19, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 272 (third reading copy -- blue), respectfully report that House Bill No. 272 be amended and as so amended be concurred in:

1. Title, line 6.

Following: "GOVERNMENTS"

Insert: ", TRIBAL GOVERNMENTS,"

2. Page 3, lines 3 and 9.

Page 4, lines 20 and 23.

Page 5, line 13.

Page 12, line 22.

Page 13, lines 7 and 10.

Page 21, lines 14 and 16.

Following: "through"

Strike: "14"

Insert: "15"

3. Page 3, lines 1 and 8.

Following: "section"

Strike: "9"

Insert: "10"

4. Page 3, lines 21 and 22.

Page 8, line 8.

Following: "local"

Insert: "or tribal"

5. Page 4, line 25.

Page 5, line 6.

Page 12, line 25.

Page 13, line 3.

Following: "government"

Insert: ", tribal governments,"

6. Page 5, line 20.

Page 11, lines 7 and 17.

Page 12, line 16.

Following: "government"

Insert: ", a tribal government,"

7. Page 7

Following: line 4

Insert: "(7) 'Tribal government' means a federally recognized Indian tribe within the state of Montana."

Renumber: subsequent subsection

8. Page 7, line 13.
Page 10, line 2.
Following: "section"
Strike: "3"
Insert: "9"

9. Page 7, lines 20 and 21.
Following: "government" on line 20
Strike: "or"
Insert: "."
Following: "government" on line 21
Insert: ", or a tribal government"

10. Page 8, lines 12, 20, and 25
Following: "government"
Insert: "or a tribal government"

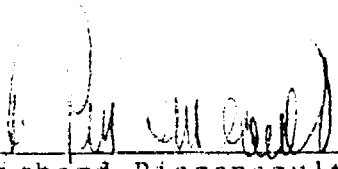
11. Page 8, line 13.
Following: "judges"
Insert: "or the tribal judges"

12. Page 9, line 21.
Insert: "NEW SECTION. Section 7. Community corrections
facilities and programs operated by tribal governments. (1)
A tribal government may establish, maintain, and operate a
community corrections facility or program to serve the needs
of offenders who are sentenced to the facility or program by
a judge as provided in [section 9].
(2) A tribal government may enter into an agreement with
the department, pursuant to Title 13, chapter 11, part 1, for the
purpose of providing community corrections facilities or programs
for offenders. The agreement must provide for strict
accountability procedures and practices for the conduct and
supervision of offenders assigned or sentenced to a facility or
program operated by a tribal government.
(3) A tribal government operating a community corrections
facility or program may accept, reject, or reject after
acceptance the placement of any offender in the facility or
program pursuant to an agreement with a unit of local government,
a nongovernmental agency, or a judicial district. If an offender
is rejected by the tribal government after initial appearance and
the offender is a court referral, the offender must be remanded
to the custody of the sheriff of the county in which the facility
or program is located. The tribal government shall notify in
writing the sentencing judge who, after considering the tribal
government's reasons for rejection, shall appropriately modify
the sentencing order."
Renummer: subsequent sections

13. Page 10, line 9.
Following: "government"
Insert: "or tribal government"

14. Page 10, line 10
Following: "government"
Insert: ", a tribal government,"

15. Page 12, line 23.
Page 12, line 18.
Following: "section"
Strike: "8"
Insert: "9"

Signed: 
Richard Pinsoneault, Chairman

LB 3/19/91
Amd. Coord.

LE 3-19-91 2:50
Sec. of Senate